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IN THE HIGH COURT OF DELHI AT NEW DELHI
W.P.(C) 2070/2024 CM APPL. 8617/2024

DINESH YADAV

..... Petitioner

Through: Mr. Rajinder Kumar, Advocate

versus

GOVERNMENT OF NCT DELHI & ORS.

..... Respondents

Through: Mr. Anubhav Gupta, Panel Counsel
(Civil) GNCTD with Mr. Suksham
Gupta, Advocate for R-1 & 4
Ms. Vaishali Gupta, Panel Counsel
(Civil) GNCTD with Ms. Shailja
Sinha, Advocate for R-1 & 4
Mr. Sri Harsha Peechara, Standing
Counsel with Ms. Devika Mohan,
ASC, Ms. Harshita Gupta, Mr. Akshat
Kulshreshtha and Mr. Shubham
Kumar Mishra, Advocates for NDMC

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

10.04.2024

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1. The petitioner has filed the present petition *inter alia* praying as under:

“A. Direct the Respondents not to dispossess or obstruct or disturb the Petitioners in carrying on his trade from his site i.e. Opposite Shop No. 140, Sarojini Nagar Market, Sarojini Nagar, New Delhi-110023 of section 3(3) of the street vendors (Protection of Livelihood and Regulation of Street Vending) Act 2014 and;

B. Direct the Respondents/Town Vending Committee to consider the representation dated 15.12.2023 of the Petitioner and conduct the survey of the Petitioner within time bound manner and to issue certificate of vending in favour of the Petitioner as per the provisions of the Street Vendors (Protection of livelihood and regulation of Street



Vending) Act 2014, The Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Rules, 2017 and The Government of National Capital Territory of Delhi Street Vendors (Protection of Livelihood and Regulation of Street Vending) Scheme 2019.”

2. The petitioner claims that he was selling permissible goods from a vending site described as ‘Opposite Shop No. 140, Sarojini Nagar Market, Sarojini Nagar, New Delhi—110023’.
3. According to the NDMC, the petitioner is not permitted to vend at the said site. It is stated that the petitioner’s name does not feature in the list of 628 unauthorised vendors, who were operating at the relevant time and are covered by protective orders passed by this Court.
4. The learned counsel for the respondents submits that there are a large number of street vendors, who claim that they are entitled to vend from sites located in Sarojini Nagar. However, the capacity of the market is insufficient to support such a large number of vendors.
5. Mr. Peechara, learned standing counsel who appears for the respondent/NDMC on advance notice points out that the petitioner, on an earlier occasion, had filed a writ petition being W.P.(C) 11963/2018 captioned ***Sh. Dinesh Yadav and Ors. vs. New Delhi Municipal Council.*** However, the said petition was dismissed. He submits that the order is not placed on record but the reasons for the dismissal of the petition was that the petitioner was not found vending at the site.
6. Be that as it may, we consider it apposite to direct that this would not preclude the petitioner from participating in the survey and furnishing such documents and material as relevant in support of his claim of carrying on vending activities. Needless to state, the concerned TVC shall consider the



same at an appropriate stage.

7. We also direct that the concerned TVC shall consider the petitioner's representation dated 15.12.2023, a copy of which is annexed to this petition.

8. The petition is disposed of in the aforesaid terms. All pending application(s) stand disposed of.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

APRIL 10, 2024

g.joshi

Click here to check corrigendum, if any